

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SITCHA RICHARD,

Petitioner

v.

FREDERICK MACDONALD, HIGH
SHERIFF, FRANKLIN COUNTY
HOUSE OF CORRECTION, et al.

Respondents

Civil Action No.
04cv30090-MAP

MOTION TO DISMISS


The respondent, by his attorney, Michael J. Sullivan,
United States Attorney for the District of Massachusetts,
moves to dismiss the petition for lack of subject matter
jurisdiction and failure to state a claim.

The respondent respectfully requests that he be excused
from the conference requirements of Local Rule 7.1, due to
the fact that the pro se petitioner is incarcerated.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:


KAREN L. GOODWIN
Assistant U.S. Attorney
1550 Main Street
Springfield, MA 01103
413-785-0269

Dated: July 9. 2004

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by sending a copy to the petitioner at the Franklin County Jail, 160 Elm Street, Greenfield, MA 01301; and Andrew Cohen, 1345 Beacon Street, Boston, MA 02146.


KAREN L. GOODWIN